

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

RONALD WAYNE BLEVINS,  
  
Plaintiff,

v. Civil Action No. 2:05-0941

WEST VIRGINIA FEDERAL CREDIT UNION, and  
JEREMIAH L. DARNALL, and  
MELISSA G. DARNALL, and  
STEPHEN L. GAYLOCK, and  
JEREMIAH MCCORMICK,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who, on March 13, 2006, submitted her proposed findings and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The plaintiff filed his objections on March 20, 2006. Plaintiff also filed a "2nd supplementary amendment to complaint" the same day, along with a "brief and current overview of the case" filed March 22, 2006.<sup>1</sup>

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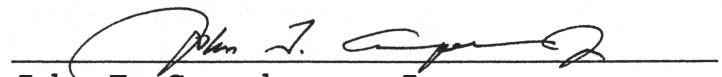
<sup>1</sup>Plaintiff also filed on March 22, 2006, a "first supplementary amendment" to his notice of non-consent to proceed before a United States Magistrate Judge. The court notes it is vested with authority by both statute and standing order to refer to the magistrate judge matters of this type for proposed findings and recommendations. Plaintiff has additionally stated no grounds for recusal of the magistrate judge.

The court has reviewed de novo the proposed findings and recommendation. It appears the primary basis for the recommended dismissal of the amended complaint is that plaintiff has failed to allege a claim which might give rise to federal question jurisdiction. In his "second supplementary amendment to the complaint[,] " however, plaintiff appears to allege a claim under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

Inasmuch as plaintiff now appears to have minimally alleged federal jurisdiction, the court declines to adopt the magistrate judge's proposed findings and recommendation. The court ORDERS that this civil action be, and it hereby is, referred anew to the magistrate judge under the terms of the original referral order.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: May 18, 2006

  
John T. Copenhaver, Jr.  
United States District Judge